

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 19-00263-01-CR-W-DGK
)	
LESTER E. BROWN,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGE: On August 7, 2019, the Grand Jury returned a three-count Indictment charging Defendant Lester E. Brown and two others¹ with conspiracy to commit cyberstalking (Count One) and aiding and abetting cyberstalking resulting in death (Count Two). Defendant Brown was also charged with being a felon in possession of a firearm (Count Three).

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Matthew Wolesky and Nicholas Heberle
Case Agent: Loren Freeman, Independence Missouri Police Department, and Jeff Gorup (paralegal)
Defense: Quinn A. Michaelis

OUTSTANDING MOTIONS:

04/10/2023	view123	MOTION in limine <i>prohibiting use of proffered 404(b) evidence</i> by Lester E Brown. Suggestions in opposition/response due by 4/24/2023 unless otherwise directed by the court. (Michaelis, Quinn) (Entered: 04/10/2023)
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TRIAL WITNESSES:

Government: 30-35 with stipulations; 45 without stipulations
** please note the Government anticipates calling a minor witness
Defendant: 6 witnesses, not including the Defendant

¹ Co-Defendant Michael Young pled guilty on September 15, 2021, and is awaiting sentencing. Co-Defendant Ronell Pearson pled guilty on January 13, 2021, and is awaiting sentencing.

TRIAL EXHIBITS:

Government: approximately 200-250 exhibits, many are photographs

Defendant: Anticipates using exhibits the Government has, but possibly additional exhibits might be used, which will be provided to the Government beforehand if that occurs.

DEFENSES: General denial.

POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: Week-and-a-half total

Government's case including jury selection: 5-7 day(s)

Defendant: 2 day(s)

STIPULATIONS: The parties have met and are finalizing stipulations. The parties expect stipulations as to business records, chain of custody, and certain minor fact witnesses.

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit Lists

Government: Proposed Witness List filed 3/31/23; Proposed Exhibit List filed 4/10/23. **Amended lists, if any, due on or before April 18, 2023.**

Defendant: Proposed Witness List filed 4/1/23. **Due/amended on or before April 18, 2023.**

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, if required by the District Court, Voir Dire, Jury Instructions: Due on or before April 26, 2023.

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: Defendant filed a motion in limine regarding the use of proffered 404(b) evidence on April 10, 2023. Additional motions are expected. Any additional motions are **due on or before April 26, 2023.**

TRIAL SETTING: Criminal jury trial docket set for May 1, 2023.

Please note: The Government prefers the first week of the docket due the length of trial. The parties are available the third week, if required. Due to the duration of trial, the

Government believes that the jury pool might need to be increased.

IT IS SO ORDERED.

/s/ Lajuana M. Counts

LAJUANA M. COUNTS

UNITED STATES MAGISTRATE JUDGE